

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

**JERRY LEE RUSSELL
ADC #150918**

PLAINTIFF

v.

4:20-cv-00714-BRW-JJV

**LASONYA GRISWOLD DAVIS, APN,
Cummins Unit, CCS/Wellpath Health Care; et al.**

DEFENDANTS

ORDER

I have reviewed the Partial Recommended Disposition (Doc. No. 18) submitted by United States Magistrate Judge Joe J. Volpe and the timely objections (Doc. No. 20). After carefully considering the objections and making a *de novo* review of the record, I approve and adopt the Partial Recommended Disposition in all respects.

Accordingly, Defendant Kelley and Payne's Motion to Dismiss is GRANTED only as to the official capacity claims and DENIED in all other respects.¹ Plaintiff's official capacity claims against Defendants Kelley and Payne are DISMISSED WITHOUT PREJUDICE. I certify that an *in forma pauperis* appeal from this Order would not be taken in good faith.²

IT IS SO ORDERED this 24th day of August, 2020.

Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

¹ Doc. No. 12.

² 28 U.S.C. § 1915(a)(3).